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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,518	03/16/2004	Craig M. Janik	81230.518US1	3980
34018 7590 03/18/2008 GREENBERG TRAUIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,518

Applicant(s)

JANIK ET AL.

Examiner

RAYMOND S. DEAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date 0308
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The finality of the rejection/action dated January 22, 2007, which was in response to the amendment dated October 30, 2006, is withdrawn; however, this action is being made final in order to enable Applicants to appeal to the Board of Patent Appeals and Interferences so as not to prolong prosecution.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Sheriff teaches a system comprising: a portable device (Figure 1, Sections 0031 lines 11 – 12, 0038 lines 8 – 9); and a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an

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active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode).

Examiner continues to disagree with Applicants assertions regarding Lappetelainen. Col. 2 lines 21 - 25, lines 37 - 42 show that the invention of Lappetelainen is directed toward power consumption of low power devices that operate in the ISM band, which comprise Bluetooth devices. The invention of Lappetelainen is directed towards an improved wake up and communication set up method for ISM devices that enables low power consumption independent of actual environmental conditions. Modifying Walsh/Sheriff with Lappetelainen renders an ISM band device that operates with the lowest possible power consumption independent of the actual environmental conditions.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 2, 4, 6 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697).

Regarding Claim 1, Sheriff teaches a system comprising: a portable device (Figure 1, Sections 0031 lines 11 – 12, 0038 lines 8 – 9); and a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode).

Sheriff does not teach a portable device comprising: a wireless receiver subsystem comprising a wireless receiver and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

Lappetelainen teaches a Bluetooth system (Column 2 lines 21 – 25, lines 37 – 42) in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages) and wherein the wireless transceiver

subsystem consumes less power in the standby state than in the active state (Columns 10 lines 1 – 30, lines 45 – 59, the idle mode consumes less power than the fully operative power mode).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the sensor and power management circuitry of Lappetelainen for the purpose of power conservation as taught by Lappetelainen.

Regarding Claim 2, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, the primary content manager can communicate via wireless means thus there will be a wireless transmitter).

Regarding Claim 4, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Sections 0037, 0039 lines 9 – 13, the primary content manager periodically transmits inquiry messages which comprise access codes, when the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Lappetelainen further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the

sensors said sensors must have receiving capability thus the sensors are the receivers) Sheriff further teaches wherein the wireless transmitter includes a RF transmitter (Figure 1, Sections 0037, 0039 lines 9 – 13, the Bluetooth transceivers comprise RF transmitters).

Regarding Claim 7, Sheriff in view of Lappetelainen et al. (US 7,072,697) teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches a pager network receiver (Section 0053 lines 3 – 7).

Regarding Claim 8, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0053 lines 3 - 7).

Regarding Claim 9, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0037).

Regarding Claim 10, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer includes a personal computer (Section 0033, conventional general purpose computers comprise personal computers).

5. Claim 31 is rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697), as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621)

Regarding Claim 31, Sheriff in view of Lappetelainen teaches all of the claimed

limitations recited in Claim 1. Sheriff in view of Lappetelainen does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

Karaoguz teaches a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 – 15, 0052 lines 7 – 8, 0055 lines 4 – 13, the power controller is acting as the synchronization budget manager).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sheriff in view of Lappetelainen with the power controller of Karaoguz for the purpose of maximizing the battery life of the portable Bluetooth devices before recharging is required as taught by Karaoguz.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Primary Examiner, Art Unit 2618

Raymond S. Dean
March 4, 2008

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/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618